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Attorneys for Defendant  
JOHN A. CHIANG  
d/b/a "FCB INTERNATIONAL"

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND COURTHOUSE

HUATAI USA, LLC

Plaintiff,

v.

JOHN A. CHIANG d/b/a  
"FCB INTERNATIONAL"

Defendants.

Case No. C11-01855 PJH

STIPULATED REQUEST FOR  
ORDER EXTENDING  
TIME FOR DEFENDANT TO FILE  
RULE 12 MOTION IN RESPONSE  
TO FIRST AMENDED COMPLAINT  
AND ANSWER TO FIRST AMENDED  
COMPLAINT

[Local Rules 6-2, 7-12]

WHEREFORE IT IS AGREED AND STIPULATED AS FOLLOWS:

1) Defendant filed a Rule 12(b) Motion to Dismiss the original complaint on May 27, 2011. Plaintiff did not file an opposition, and instead filed a First Amended Complaint on June 21, 2011.

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2) Pursuant to Federal Rule of Civil Procedure 15(a)(2) Defendant consents to the filing of Plaintiff's First Amended Complaint on June 21, 2011.

3) The deadline for filing Defendant's Answer to the First Amended Complaint to be filed is July 5, 2011 under Rule 15(a)(3).

4) Defendant John Chiang, d/b/a "FCB International" intends to file a Rule 12 Motion to Dismiss ("Rule 12 Motion") and/or Strike the First Amended Complaint and seeks an extension of time to file an Answer to the First Amended Complaint until after the Court rules on Defendant's Rule 12 Motion.

5) Should the Court deny any relief sought by Defendant's Rule 12 Motion, the parties agree that the time within which Defendant's Answer to the First Amended Complaint shall be extended to 14 days after the Court's ruling on Defendant's Rule 12 Motion.

6) Should the Court grant, in whole or in part, any relief sought by Rule 12 Defendant's Motion, and a responsive pleading is required, the parties agree that the time within which Defendant's Answer is to be filed shall be determined by the Order of the Court in its ruling on Defendant's Rule 12 Motion.

7) The parties also hereby request that the Court extend the time within which Defendant

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1 must file his Rule 12 Motion until July 8, 2011.

2 IT IS SO STIPULATED.

3  
4 Dated: June 29, 2011

/s/

SIOBHAN COLE  
Attorney for Plaintiff  
HUATAI USA, LLC

5  
6  
7 Dated: June 29, 2011

/s/

RICHARD DUANE  
Attorney for Defendant  
JOHN CHIANG, d/b/a "FCB INTERNATIONAL"

10 **ORDER**

11 After considering the Stipulation of the parties and good cause appearing therefore,

12 IT IS HEREBY ORDERED that:

13 1) Defendant John Chiang is granted an extension of time to file an Answer to the First  
14 Amended Complaint until 14 days after the Court's ruling on Defendant's Rule 12 Motion or as  
15 the Court may otherwise order; and

16 2) Defendant John Chiang is granted an extension of time to file his Rule 12 Motion  
17 through to July 8, 2011.

18 SO ORDERED.

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21 DATED: 7/1/11



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